

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/715,790 Confirmation No.: 4545  
Applicants: Deeds *et al.*  
Filed: November 18, 2003  
Art Unit: 2617  
Examiner: A. Balaoing  
Title: TERMINAL, SYSTEM, METHOD AND COMPUTER PROGRAM  
PRODUCT FOR DISPLAYING AN INDICATION OF BANDWIDTH

Docket No.: 042933/270321  
Customer No.: 00826

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF UNDER 37 CFR §41.41**

This Reply Brief is filed in response to the “Examiner’s Answer” mailed on November 16, 2006. These comments are an extension of, and in addition to, the arguments presented in the Appeal Brief filed on September 19, 2006.

First, Applicants reiterate that Liao teaches away from visually representing the required bandwidth for transmitting and receiving signals on the current communications system, as recited in independent Claims 1, 21 and 41.

The Examiner’s answer continues to assert that motivation to modify Liao to display the required bandwidth may be inferred because it would be “beneficial” such that “manual adjustment of bandwidth usage can be determined by the visual display.” The Examiner further asserts that Liao discloses “a pop-up screen... presented to the user in order for a user to select bandwidth upgrades of currently running applications.” However, the Examiner fails to address that, in such embodiments, the user’s “manual” selection of an application results in updating the display to indicate the additional bandwidth made available by such an allocation, and not the display of the “required bandwidth” for transmitting and receiving signals as recited in the claims of the present application.

The Examiner's answer also points to Liao, paragraph 49 and Figure 5A as teaching the manual adjustment of bandwidth which would, in turn be "beneficial" such that "manual adjustment of bandwidth usage can be determined by the visual display." In response, Applicants respectfully submit that while Liao generally discloses the option to upgrade overall available bandwidth allocation using a keypad or "soft" key (as shown in FIG. 5A, for example), such a function fails to teach or suggest the combined and simultaneous display of an available bandwidth of a current communications system and a required bandwidth for transmitting and receiving signals on the current communications system as recited in the independent Claims 1, 21 and 41.

Applicants also respectfully submit that in order to establish a *prima facie* case of obviousness, all the claim limitations must be taught or suggested by the prior art. *See* MPEP §2143.03 (citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Applicants respectfully submit that the focus of the Liao disclosure is the user-directed allocation of available bandwidth among competing simultaneously-running applications. *See* Liao at Paragraph 55. The Examiner acknowledges that Liao's "preferred embodiment" provides automatic allocation of bandwidth among competing applications and that Liao "does not expressly show displaying the required bandwidth information to a user." Thus Liao, while generally disclosing a "manual" allocation of available bandwidth, does not teach or suggest the recited elements of Claims 1, 21 and 41, which include the visually representing the required bandwidth for transmitting and receiving signals on the current communications system in relation to the total available bandwidth so as to enable a user to determine whether or not to modify communications with the current communications system.

Furthermore, with respect to independent Claims 17 and 37, Applicants reiterate that the cited Watanabe reference contains no suggestion of the desirability of tracking bandwidth at all (as it is concerned only with the visibility of the display while the terminal is in use) and, as discussed above, Liao, when viewed as a whole, suggests that bandwidth tracking should result in the automatic selection of an application that is most active in bandwidth usage for a bandwidth reallocation (thereby minimizing the need to view a bandwidth display, as such bandwidth tracking and reallocation may be transparent to a user in the preferred embodiment of Liao).

In light of the foregoing, and in addition to the arguments set forth in the Appeal Brief, Applicants again respectfully submit that the claims of record are patentable over the cited references. As a result, it is respectfully requested that the Board of Patent Appeals and Interferences reverse the final rejection of the pending claims.

Respectfully submitted,

/jpiche/

Jason O. Piché  
Registration No. 53,468

**CUSTOMER No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

*ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT AND TRADEMARK OFFICE ON January 16, 2007.*